

ASSEMBLY BILL

No. 2229

Introduced by Assembly Member Brownley

February 18, 2010

An act to amend Section 11165.13 of the Penal Code, and to amend Section 830 of the Welfare and Institutions Code, relating to child abuse reporting.

LEGISLATIVE COUNSEL'S DIGEST

AB 2229, as introduced, Brownley. Mandated child abuse reporting.

The Child Abuse and Neglect Reporting Act requires certain persons specified as “mandated reporters” to report suspected child abuse or child neglect, as specified. The act provides that a positive toxicology screen at the time of the delivery of an infant is not in and of itself a sufficient basis for reporting child abuse or neglect, but requires any indication of maternal substance abuse to lead to an assessment of the needs of the mother and child pursuant to a specified provision of law, and, if other factors are present that indicate risk to a child, a report is required to be made, as specified.

This bill would require a health practitioner or medical social worker who is making a mandated report pursuant to these provisions relating to maternal substance abuse to disclose all known health needs of the child, including, but not limited to, a potential exposure to human immunodeficiency virus (HIV) infection.

Existing law authorizes members of a multidisciplinary personnel team engaged in the prevention, identification, and treatment of child abuse to disclose and exchange information and writings to and with one another relating to any incidents of child abuse that may also be a part of a juvenile court record or otherwise designated as confidential

under state law if the member of the team having that information or writing reasonably believes it is generally relevant to the prevention, identification, or treatment of child abuse. A multidisciplinary personnel team is defined for purposes of this provision to mean any team of 3 or more persons who are trained in the prevention, identification, and treatment of child abuse, as specified.

This bill would additionally authorize the disclosure and exchange of information to occur telephonically and electronically if there is adequate verification of the identity of the multidisciplinary personnel who are involved in that disclosure or exchange of information. The bill would revise the definition of a multidisciplinary personnel team for purposes of this provision to mean any team of 2 or more persons who are trained in the prevention, identification, and treatment of child abuse, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11165.13 of the Penal Code is amended
2 to read:

3 11165.13. (a) For purposes of this article, a positive toxicology
4 screen at the time of the delivery of an infant is not in and of itself
5 a sufficient basis for reporting child abuse or neglect. However,
6 any indication of maternal substance abuse shall lead to an
7 assessment of the needs of the mother and child pursuant to Section
8 123605 of the Health and Safety Code. If other factors are present
9 that indicate risk to a child, then a report shall be made. However,
10 a report based on risk to a child which relates solely to the inability
11 of the parent to provide the child with regular care due to the
12 parent's substance abuse shall be made only to a county welfare
13 or probation department, and not to a law enforcement agency.

14 (b) A health practitioner or medical social worker who is making
15 a mandated report pursuant to this section shall disclose all known
16 health needs of the child, including, but not limited to, a potential
17 exposure to human immunodeficiency virus (HIV) infection.

18 SEC. 2. Section 830 of the Welfare and Institutions Code is
19 amended to read:

20 830. (a) Notwithstanding any other provision of law, members
21 of a multidisciplinary personnel team engaged in the prevention,

1 identification, and treatment of child abuse may disclose and
2 exchange information and writings to and with one another relating
3 to any incidents of child abuse that may also be a part of a juvenile
4 court record or otherwise designated as confidential under state
5 law if the member of the team having that information or writing
6 reasonably believes it is generally relevant to the prevention,
7 identification, or treatment of child abuse. All discussions relative
8 to the disclosure or exchange of any such information or writings
9 during team meetings are confidential and, notwithstanding any
10 other provision of law, testimony concerning any such discussion
11 is not admissible in any criminal, civil, or juvenile court
12 proceeding.

13 ~~As~~

14 *(b) Disclosure and exchange of information pursuant to this*
15 *section may occur telephonically and electronically if there is*
16 *adequate verification of the identity of the multidisciplinary*
17 *personnel who are involved in that disclosure or exchange of*
18 *information.*

19 *(c) As used in this section, “~~child~~ the following definitions shall*
20 *apply:*

21 *(1) “Child abuse” has the same meaning as defined in Section*
22 *18951.*

23 ~~As used in this section, “multidisciplinary~~

24 *(2) “Multidisciplinary personnel team” means any team of ~~three~~*
25 *two or more persons, as specified in Section 18951, the members*
26 *of which are trained in the prevention, identification, and treatment*
27 *of child abuse and are qualified to provide a broad range of services*
28 *related to child abuse.*